No. 17-646

IN THE

Supreme Court of the United States

TERANCE MARTEZ GAMBLE

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of Certiorari
To The United States Court of Appeals
For The Eleventh Circuit

JOINT APPENDIX

JEFFREY B. WALL
Counsel of Record
PRINCIPAL DEPUTY
SOLICITOR GENERAL
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-2217
supremectbriefs@usdoj.gov

Counsel for Respondent

LOUIS A. CHAITEN
Counsel of Record
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
(216) 586-7244
lachaiten@jonesday.com

Counsel for Petitioner

PETITION FOR CERTIORARI FILED OCTOBER 24, 2017
CERTIORARI GRANTED JUNE 28, 2018

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GENERAL DOCKET

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Court of Appeals Docket #: 16-16760
Docketed: 10/28/2016
Termed: 07/28/2017

* * *

Appeal From: Southern District of Alabama

* * *

UNITED STATES OF AMERICA,
Plaintiff – Appellee,

versus

TERANCE MARTEZ GAMBLE,
Defendant – Appellant.

Date Filed	Docket Text
10/28/2016	CRIMINAL APPEAL DOCKETED. Notice of appeal filed by Appellant Terance Martez Gamble on 10/27/2016. Fee Status: IFP Granted.
	* * *
01/31/2017	Appellant's Brief filed by Terance Martez Gamble. (ECF: Barre Dumas)
	* * *
02/06/2017	Appendix filed [1 VOLUMES] by Appellant Terance Martez Gamble. (ECF: Barre Dumas)
	* * *
02/08/2017	Appellant's SEALED PSI for the Electronic ROA Program filed by

	Attorney Barre Clark Dumas for Appellant Terance Martez Gamble.
02/17/2017	Appellee's Brief filed by Appellee USA. (ECF: Christopher Brinson)
02/17/2017	Supplemental Appendix [1 VOLUMES] filed by Appellee USA. (ECF: Christopher Brinson)
	* * *
07/28/2017	Opinion issued by court as to Appellant Terance Martez Gamble. Decision: Affirmed. Opinion type: Non-Published. Opinion method: Per Curiam. The opinion is also available through the Court's Opinions page at this link http://www.ca11.uscourts.gov/opinions.
07/28/2017	Judgment entered as to Appellant Terance Martez Gamble.
08/28/2017	Mandate issued as to Appellant Terance Martez Gamble.
11/02/2017	Notice of Writ of Certiorari filed as to Appellant Terance Martez Gamble. SC# 17-646.
	* * *
07/02/2018	Writ of Certiorari filed as to Appellant Terance Martez Gamble is GRANTED. SC# 17-646.--[Edited 08/13/2018 by SCW]

GENERAL DOCKET

U.S. District Court
Southern District of Alabama

CRIMINAL DOCKET FOR CASE #:
1:16-cr-00090-KD-B-1

Case Title: USA v. Gamble
Date Filed: 04/28/2016
Assigned to: Judge Kristi K. DuBose
Referred to: Magistrate Judge Sonja F. Bivins

Appeals court case number: 16-16760
11th Cir. USCA

* * *

Date Filed	#	Docket Text
04/28/2016	1	INDICTMENT as to Terance Martez Gamble (1) count(s) 1. (Attachments: # 1 Penalty Page, # 2 Signed Indictment) (tgw) (Entered: 04/29/2016)
		* * *
06/16/2016	17	MOTION for Leave to File *Motion to Dismiss Out of Time* by Terance Martez Gamble. (Dumas, Barre) (Entered: 06/16/2016)
06/16/2016	18	MOTION to Dismiss *Indictment (double jeopardy)* by Terance Martez Gamble. (Dumas, Barre) (Entered: 06/16/2016)
06/16/2016	19	MEMORANDUM in Support by Terance Martez Gamble re

		18 MOTION to Dismiss *Indictment (double jeopardy)* (Dumas, Barre) (Entered: 06/16/2016)
		* * *
06/21/2016	21	ORDER granting 17 Motion for Leave to File out of time as to Terance Martez Gamble (1); denying 18 Motion to Dismiss as to Terance Martez Gamble (1) as set out in order. Signed by Judge Kristi K. DuBose on 6/20/2016. (cmj) (Entered: 06/21/2016)
06/22/2016	22	MOTION to Continue in Interest of Justice by USA as to Terance Martez Gamble. (O'Brien, Michele) (Entered: 06/22/2016)
		* * *
06/23/2016	24	Second pretrial conference held 6/22/16. Motion to continue (doc. 22) is granted. ORDER TO CONTINUE - Ends of Justice as to Terance Martez Gamble Time excluded from 6/27/16 until 8/1/16. Jury Selection set for 8/1/2016 08:45AM. Waiver of Right to Speedy Trial due by 6/24/2016.. Signed by Magistrate Judge Sonja F. Bivins on 6/23/2016. (cmj) (Entered: 06/23/2016)
		* * *

07/12/2016	27	Notice of Intent to Plead Guilty to Count(s) One as to Terance Martez Gamble (Dumas, Barre) (Entered: 07/12/2016)
07/12/2016	28	ORDER as to Terance Martez Gamble. Change of Plea Hearing set for 7/14/2016 09:00 AM in US Courthouse, Courtroom 5A, 113 St. Joseph Street, Mobile, AL 36602 before Judge Kristi K. DuBose. The USM is directed to produce the defendant for this hearing. Signed by Magistrate Judge Katherine P. Nelson on 7/12/2016. (mcb) (Entered: 07/12/2016)
07/13/2016	29	PLEA AGREEMENT as to Terance Martez Gamble with factual resume (Dumas, Barre) (Entered: 07/13/2016)
07/14/2016	30	Order on Guilty Plea & Minute Entry entered as to Terance Martez Gamble. Guilty as to Count 1, charging the offense of 18:922(g)(1) Felon in Possession of Firearm. Defense Counsel Barre Dumas. Government Counsel Michele O'Brien. Defendant's guilty plea was accepted 7/14/2016 and Defendant was found guilty as charged. The plea agreement was written. The maximum

penalties are 10 yrs/$250,000 fine/3 yrs SRT/$100 SA. Pending sentencing Defendant shall remain in custody. Court Reporter Melanie Wilkins. This is a text only order. Sentencing set for 10/14/2016 11:00 AM in US Courthouse, Courtroom 5A, 113 St. Joseph Street, Mobile, AL 36602 before Judge Kristi K. DuBose. Presentence Investigation Report due 9/9/2016. On or before 9/30/2016 the parties shall each file a Position with Respect to Sentencing Factors in accordance with Criminal Local Rule 32(B)(4). In the event that the parties chose to file a Sentencing Memorandum, it shall be due seven (7) days prior to the date of sentencing. In the event that the parties decide to file a Motion to Continue Sentencing based upon defendant's incomplete cooperation with the Government, the motion shall be due four (4) days prior to the date of sentencing. Signed by Judge Kristi K. DuBose on 7/14/2016. (mcb) (Entered: 07/14/2016)

* * *

10/18/2016	–	Minute Entry for proceedings held before Judge Kristi K. DuBose:Sentencing held on 10/18/2016 for Terance Martez Gamble. Imprisonment 46 months; said sentence is to run concurrently with unrelated state case in 15-5596 and related state cases 16-2739 and 16-2740. Defendant shall receive credit for time served; SRT 3 years with special conditions; SA $100. The defendant was remanded to the custody of the U.S. Marshal. Court Reporter Melanie Wilkins. (mcb) (Entered: 10/19/2016)
10/24/2016	38	JUDGMENT as to Terance Martez Gamble. Imprisonment 46 months; said sentence is to run concurrently with unrelated state case in 15-5596 and related state cases 16-2739 and 16-2740. Defendant shall receive credit for time served; SRT 3 years with special conditions; SA $100. The defendant was remanded to the custody of the U.S. Marshal. Signed by Judge Kristi K. DuBose on 10/24/2016. (mcb) (Entered: 10/24/2016)

* * *

10/27/2016	40	NOTICE OF APPEAL by Terance Martez Gamble re: 38 Judgment, (Dumas, Barre) (Entered: 10/27/2016)
		* * *
11/09/2016	45	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Terance Martez Gamble for the date of 07/14/2016, GUILTY PLEA HEARING, before Judge Kristi K. DuBose, re: 40 Notice of Appeal - Final Judgment, USCA Case Number 16-16760-A. Court Reporter Melanie Wilkins, CRR, RMR, Telephone number 251-690-3371. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE: The parties have twenty-one (21) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. Notice of Transcript Redaction to be

		filed by 11/30/2016. Redaction Request due 11/30/2016. Redacted Transcript Deadline set for 12/12/2016. Release of Transcript Restriction set for 2/7/2017. (maw) (Entered: 11/09/2016)
		* * *
07/28/2017	48	OPINION/JUDGMENT of USCA (certified copy) as to Terance Martez Gamble re 40 Notice of Appeal - Final Judgment, USCA Case Number 16-16760, AFFIRMED. (Mandate to issue at a later date.) (jal) (Entered: 07/28/2017)
		* * *
08/28/2017	50	MANDATE of USCA (certified copy) as to Terance Martez Gamble. (jal) (Entered: 08/29/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF ALABAMA
SOUTHERN DIVISION

FILED IN OPEN COURT
APR 28 2016
CHARLES R. DIARD, JR.
CLERK

UNITED STATES OF AMERICA	*	
	*	
	*	**CRIMINAL NO.**
	*	**16-00090-KD**
v.	*	**USAO NO. 16R00066**
	*	
TERANCE MARTEZ GAMBLE	*	**VIOLATION:**
	*	**18 USC§ 922(g)(l)**

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

On or about November 29, 2015, in the Southern District of Alabama, Southern Division, the defendant,

TERANCE MARTEZ GAMBLE

having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, to-wit: Robbery, Second Degree on September 4, 2008, in the Circuit Court of Mobile County, Alabama, case Number CC 2007-4148, did knowingly possess, in and affecting commerce, a firearm, to-wit: a SCCY, model CPX-2, 9mm handgun, serial number 136633.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL

/s/ [signature of Foreman]
FOREMAN UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF ALABAMA

KENYEN R. BROWN
UNITED STATES ATTORNEY

By:
/s/ Michele C. O'Brien
MICHELE C. O'BRIEN
Assistant United States Attorney

/s/ Vicki M. Davis
VICKI M. DAVIS
Assistant United States Attorney
Chief, Criminal Division

APRIL 2016

PENALTY PAGE

CASE STYLE:	**UNITED STATES v. TERANCE MARTEZ GAMBLE**
DEFENDANT:	**TERANCE MARTEZ GAMBLE (Count 1)**
USAO NO.	**16R00066**
AUSA:	**Michele C. O'Brien**
CODE VIOLATION:	
COUNT 1:	**18 USC § 92(g)(1), Possession of a Firearm by a Prohibited Person (felon)**
PENALTY:	
COUNT 1:	**10 yrs/$250,000/3 yrs SRT/$100SA (statutory minimum mandatory 15 yrs (to life) and 5 yrs SRT, if subject to provisions of 18 U.S.C. § 924(e))**

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA	:	
vs.	:	**CRIMINAL NO. 16-00090-KD**
TERANCE MARTEZ GAMBLE,	:	
Defendant.	:	

ORDER

A second pretrial conference was held on June 22, 2016, before the undersigned Magistrate Judge. Participating in the conference were Barre Dumas, counsel for Defendant Terance Martez Gamble, and Assistant U.S. Attorney Michele O'Brien, counsel for the Government.

At the pretrial conference, Ms. O'Brien requested a continuance, and subsequent to the conference, she filed a written motion. (Doc 22). Ms. O'Brien reported that this case will be resolved without a trial; however, additional time is needed because the U.S. Attorney's Office has requested and is awaiting direction from the Department of Justice about resolution of this case due to the fact that Defendant has already been prosecuted in state court based on the facts alleged in the indictment in this case. Ms. O'Brien also reported that she fully expects to receive direction from the Department of Justice within the next couple of days. Counsel for Defendant reported that Defendant does

not oppose the Government's continuance request, and that it is in Defendant's best interest to await a decision from the Department of Justice before proceeding in this case.

Upon consideration, the undersigned concludes that the ends of justice served by continuing this action for one term outweigh the best interests of the public and Defendant in a speedy trial. 18 U.S.C.A. § 3161(h)(7)(A). This is the first trial setting, and the Government is awaiting direction from the Department of Justice about resolution of this case. The undersigned finds, under the circumstances, that continuing this action pending the decision from the Department of Justice is reasonable under the circumstances. 18 U.S.C.A. § 3161(h)(7)(A). Accordingly, the request for a continuance is **GRANTED**. **This case is hereby CONTINUED to the August 2016 criminal term, with jury selection on August 1, 2016.** For purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A).

Counsel for Defendant shall file, on or before **June 24, 2016,** a Speedy Trial Waiver executed by Defendant and his counsel. The waiver shall include language which reflects that (A) counsel has discussed the reasons for seeking a continuance with Defendant; (B) Defendant understands that the time requested in the motion to continue trial of this matter will be excluded from any calculations of time under the Speedy Trial Act; and (C) with this understanding and knowledge, Defendant agrees to a continuance of this action to the August 2016 trial term.

The Clerk is directed to refer this action to Magistrate Judge Nelson.

DONE this **23rd** day of **June, 2016.**

/s/ SONJA F. BIVINS
UNITED STATES
MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF ALABAMA
SOUTHERN DIVISION

UNITED STATES	)	
OF AMERICA	)	
	)	
v.	)	**CRIMINAL NO.**
	)	**16-00090**
TERANCE	)	
MARTEZ GAMBLE	)	

PLEA AGREEMENT

The defendant, **TERANCE MARTEZ GAMBLE**, represented by his counsel, and the United States of America have reached a plea agreement in this case, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the terms and conditions of which are as follows:

RIGHTS OF THE DEFENDANT

1. The defendant understands his rights as follows:
   a. To be represented by an attorney;
   b. To plead not guilty;
   c. To have a trial by an impartial jury;
   d. To confront and cross-examine witnesses and to call witnesses and produce other evidence in his defense; and
   e. To not be compelled to incriminate himself.

WAIVER OF RIGHTS AND PLEA OF GUILTY

2. The defendant waives rights b through e, listed above, and pleads guilty to Count One of the Indictment, charging a violation of Title 18, United States Code, Section 922(g)(1), possession of a firearm by a prohibited person.

3. The defendant understands that the statements he makes under oath in the plea of guilty must be completely truthful and that he can be prosecuted for making false statements or perjury, or receive a perjury enhancement at sentencing, for any false statements be makes intentionally in this plea of guilty.

4. The defendant expects the Court to rely upon his statements here and his response to any questions that he may be asked during the guilty plea hearing.

5. The defendant is not under the influence of alcohol, drugs, or narcotics. He is certain that he is in full possession of his senses and is mentally competent to understand this Plea Agreement and the guilty plea hearing which will follow.

6. The defendant has had the benefit of legal counsel in negotiating this Plea Agreement. He has discussed the facts of the case with his attorney, and his attorney has explained to the defendant the essential legal elements of the criminal charge which has been brought against him. The defendant's attorney has also explained to the defendant his understanding of the United States' evidence and the law as it relates to the facts of his offense.

7. The defendant understands that the United States has the burden of proving each of the legal elements of the criminal charge beyond a reasonable doubt. The defendant and his counsel have discussed possible defenses to the charge. The defendant believes that his attorney has represented him faithfully, skillfully, and diligently, and he is completely satisfied with the legal advice of his attorney.

8. A separate document, entitled Factual Resume, will be submitted to the Court as evidence at the guilty plea hearing. The Factual Resume is incorporated by reference into this Plea Agreement. The defendant and the United States agree that the Factual Resume is true and correct. Alterations to the Plea Agreement or Factual Resume initialed only by the defendant and his counsel are not part of this agreement and are not agreed to by the United States.

9. This plea of guilty is freely and voluntarily made and is not the result of force, threats, promises, or representations, apart from those representations set forth in this Plea Agreement. There have been no promises from anyone as to the particular sentence that the Court will impose. The defendant is pleading guilty because he is guilty.

10. The defendant also knowingly and voluntarily waives all rights, whether asserted directly or through a representative, to receive from the United States after sentencing any further records, reports, or documents pertaining to the investigation or prosecution of this matter. This waiver includes, but is not limited to, rights under

the Freedom of Information Act and the Privacy Act of 1974.

PENALTY

11. The maximum penalty the Court could impose as to Count One of the Indictment is:

a. 10 years imprisonment (However, it is possible that the defendant could be subject to a mandatory term of imprisonment of 15 years to life pursuant to 18 U.S.C. § 924(e));

b. A fine not to exceed $250,000;

c. A term of supervised release of three years, which would follow any term of imprisonment (However, it is possible that the defendant could be subject to a term of supervised release of up to five years pursuant to 18 U.S.C. § 924(e)). If the defendant violates the conditions of supervised release, he could be imprisoned for the entire term of supervised release;

d. A mandatory special assessment of $100.00; and

e. Such restitution as may be ordered by the Court.

SENTENCING

12. The Court will impose the sentence in this case. The United States Sentencing Guidelines are advisory and do not bind the Court. The defendant has reviewed the application of the Guidelines with his attorney and understands that no one can predict with certainty what the sentencing range will be in this case until after a pre-sentence investigation has been completed and the Court has ruled on the results of that investigation. The

defendant understands that at sentencing, the Court may not necessarily sentence the defendant in accordance with the Guidelines. The defendant understands that he will not be allowed to withdraw his guilty plea if the advisory guideline range is higher than expected, or if the Court departs or varies from the advisory guideline range.

13. The defendant understands that this Plea Agreement does not create any right to be sentenced in accordance with the Sentencing Guidelines, or below or within any particular guideline range, and fully understands that determination of the sentencing range or guideline level, or the actual sentence imposed, is solely the discretion of the Court.

14. The United States will provide all relevant sentencing information to the Probation Office for purposes of the pre-sentence investigation. Relevant sentencing information includes, but is not limited to, all facts and circumstances of this case and information concerning the defendant's conduct and background.

15. Both the defendant and the United States are free to allocute fully at the time of sentencing.

16. The defendant agrees to tender $100.00 to the U.S. District Court Clerk in satisfaction of the mandatory special assessment in this case. The United States reserves the right to withdraw any favorable recommendations it may agree to within this document if the defendant fails to pay the special assessment prior to or at the time of his sentencing.

RESTITUTION

17. Pursuant to 18 U.S.C. §§ 3556 and 3663(A), restitution is mandatory. The defendant agrees to make full restitution in an amount to be determined by the Court at sentencing.

FORFEITURE

18. The defendant agrees to confess the forfeiture to the United States of all properties which represent proceeds of his criminal activities or which facilitated any aspect of these illegal activities.

FINANCIAL OBLIGATIONS

19. The Defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report in order to evaluate the Defendant's ability to satisfy any financial obligation imposed by the Court. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the Defendant agrees to disclose fully all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee or other third party.

UNITED STATES' OBLIGATIONS

20. The United States will not bring any additional charges against the defendant related to the facts underlying the Indictment and will move to dismiss any remaining charges against the defendant once sentence is imposed in this case. This agreement is limited to the United States Attorney's Office for the Southern District of Alabama and does not bind any other federal, state, or local prosecuting authorities.

21. The United States will recommend to the Court that the defendant be sentenced at the low end of the advisory sentencing guideline range as determined by the Court.

LIMITED WAIVER OF RIGHT TO APPEAL AND WAIVER OF COLLATERAL ATTACK

22. As part of the bargained-for exchange represented in this plea agreement, and subject to the limited exceptions below, the defendant knowingly and voluntarily waives the right to file any direct appeal or any collateral attack, including a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. Accordingly, the defendant will not challenge his guilty plea, conviction, or sentence in any district court or appellate court proceedings.

a. **EXCEPTIONS.** The defendant reserves the right to timely file a direct appeal challenging:

(1) any sentence imposed in excess of the maximum statutory penalty provided by 18 U.S.C. § 922(g) (10 years) or 18 U.S.C. § 924(e) (life), whichever is deemed to apply by the court in its sole discretion at sentencing;

(2) any sentence which constitutes an upward departure or variance from the advisory guideline range.

The defendant also reserves the right to claim ineffective assistance of counsel in a direct appeal or § 2255 motion;

(3) the Court's Order entered on June 21, 2016, denying the Defendant's Motion to Dismiss.

23. If the United States files a notice of appeal and such appeal is authorized by the Solicitor General,

the defendant is released from the appellate waiver.

24. The defendant further reserves the right to timely move the district court for an amended sentence under 18 U.S.C. § 3582 in the event of a future retroactive amendment to the Sentencing Guidelines which would affect the sentence.

25. ~~If the defendant receives a sentence within or below the advisory guideline range, this plea agreement shall serve as the defendant's express directive to defense counsel to timely file a "Notice of Non-Appeal" following sentencing, signed by the defendant.~~

VIOLATION OF AGREEMENT

26. The defendant understands that if he breaches any provision of this Plea Agreement, the United States will be free from any obligations imposed by this agreement, but all provisions of the agreement remain enforceable against the defendant. In the exercise of its discretion, the United States will be free to prosecute the defendant on any charges of which it has knowledge. In such event, the defendant agrees not to assert any objections to prosecution that he might have under the Sixth Amendment and/or Speedy Trial Act.

27. In addition, if the defendant is released from detention prior to sentencing, he understands that the United States will no longer be bound by this agreement if he violates any condition of his release prior to sentencing or prior to serving his sentence after it is imposed.

ENTIRETY OF AGREEMENT

28. This document is the complete statement of the agreement between the defendant and the United States and may not be altered unless done so in writing and signed by all the parties.

Respectfully submitted,

KENYEN R. BROWN
UNITED STATES ATTORNEY

Date:
June 22, 2016

s/ Michele C. O'Brien
MICHELE C. O'BRIEN
Assistant United States Attorney

Date: 6/22/2016

s/ Sean P. Costello
SEAN P. COSTELLO
Assistant United States Attorney
Deputy Chief, Criminal Division

I have consulted with my counsel and fully understand all my rights with respect to the offense charged in the Indictment pending against me. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I understand this agreement, and I voluntarily agree to it. I hereby stipulate that the Factual Resume, incorporated herein, is true and accurate in every respect, and that had the matter proceeded to trial, the United States

could have proved the same beyond a reasonable doubt.

Date: 7/12/16 s/ Terance Martez Gamble
TERANCE MARTEZ GAMBLE
Defendant

I am the attorney for the defendant. I have fully explained his rights to him with respect to the offense(s) charged in the Indictment in this matter. I have carefully reviewed every part of this Plea Agreement with him. To my knowledge, his decision to enter into this agreement is an informed and voluntary one. I have carefully reviewed the Factual Resume, incorporated herein, with the defendant and to my knowledge, his decision to stipulate to the facts is an informed, intelligent and voluntary one.

Date: 7/12/16 s/ Barre C. Dumas
BARRE C. DUMAS
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF ALABAMA
SOUTHERN DIVISION

UNITED STATES	)	
OF AMERICA	)	
	)	
v.	)	**CRIMINAL NO.**
	)	**16-00090**
TERANCE	)	
MARTEZ GAMBLE	)	

FACTUAL RESUME

The defendant, **TERANCE MARTEZ GAMBLE**, admits the allegations of Count One of the Indictment.

ELEMENTS OF THE OFFENSE

TERANCE MARTEZ GAMBLE understands that in order to prove a violation of Title 18, United States Code, Section 922(g)(1), as charged in Count One of the Indictment, the United States must prove:

First: the Defendant knowingly possessed a firearm in or affecting interstate commerce, as charged; and

Second: before the Defendant possessed the firearm the Defendant had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year, that is, a felony offense.

OFFENSE CONDUCT

Defendant, **TERANCE MARTEZ GAMBLE**, admits in open court and under oath that the following statement is true and correct and constitutes evidence

in this case. This statement of facts is provided solely to assist the Court in determining whether a factual basis exists for **TERANCE MARTEZ GAMBLE'S** plea of guilty. The statement of facts does not contain each and every fact known to **TERANCE MARTEZ GAMBLE** and to the United States concerning the defendant's involvement in the charges set forth in the plea agreement.

GAMBLE was previously convicted of Robbery, Second Degree on September 4, 2008, in the Circuit Court of Mobile County, Alabama, Case No. CC 2007-4148.

On November 20, 2015, at approximately 11:00 p.m. an Officer of the Mobile Police Department was on patrol in the area of Cottage Hill Road and Demetroplis Road when he observed a black Dodge Charge travelling westbound on Cottage Hill Road with the driver side headlight out. The Officer turned around and initiated a traffic stop in the nearby McDonald's parking lot. Upon approaching the vehicle the Officer noticed the strong odor of marijuana coming from the vehicle. When asked about the odor the driver (GAMBLE) said he had just dropped off a friend but otherwise there were no illegal drugs in the vehicle. The Officer removed GAMBLE from the vehicle and performed a pat down and a search of the driver's area. The odor of marijuana grew stronger around the steering column and Officers discovered a void in that area, and removed a loaded firearm (a SCCY, model CPX-2, 9mm handgun, serial number 136633), digital scale and two baggies of marijuana. The firearm was manufactured outside the State of Alabama and therefore its presence affected interstate commerce.

AGREED TO AND SIGNED.

Respectfully submitted,

KENYEN R. BROWN
UNITED STATES
ATTORNEY

Date:
June 22, 2016

s/ Michele C. O'Brien
MICHELE C. O'BRIEN
Assistant United States
Attorney

Date: 6/22/2016

s/ Sean P. Costello
SEAN P. COSTELLO
Assistant United States
Attorney
Deputy Chief, Criminal
Division

Date: 7/12/16

s/ Terance Martez Gamble
TERANCE MARTEZ
GAMBLE
Defendant

Date: 7/12/16

s/ Barre C. Dumas
BARRE C. DUMAS
Attorney for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA	§	**JUDGMENT IN A CRIMINAL CASE**
	§	
v.	§	
	§	**Case Number:**
	§	**1:16-CR-00090-KD-B(1)**
TERANCE MARTEZ GAMBLE	§	**USM Number: 16396-003**
	§	
	§	**Barre C. Dumas**
	§	**Defendant's Attorney**

THE DEFENDANT:

☒ **pleaded guilty to count 1 of the Indictment on 7/14/2016.**

☐ pleaded nolo contendere to count(s) which was accepted by the court

☐ was found guilty on count(s) after a plea of not guilty

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offenses:

Title & Section / Nature of Offense	**Offense Ended**	**Count**
18:922G.F Possession Of A Firearm By A Prohibited Person (Felon)	11/29/2015	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

October 18, 2016
Date of Imposition of Judgment

s/Kristi K. DuBose
Signature of Judge

KRISTI K. DuBOSE
UNITED STATES
DISTRICT JUDGE
Name and Title of Judge

October 24, 2016
Date

DEFENDANT: TERANCE MARTEZ GAMBLE
CASE NUMBER: 1:16-CR-00090-KD-B(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

46 Months as to Count 1; said sentence is to run concurrently with unrelated state case in 15-5596 and related state cases 16-2739 and 16-2740; defendant shall receive credit for time served as calculated by the BOP.

☒ The court makes the following recommendations to the Bureau of Prisons:

Defendant be allowed to participate in a substance abuse treatment program, while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at ☐ a.m. ☐ p.m. on
- ☐ as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **Three (3) years.**

☒ Special Conditions:

Defendant shall enroll in and complete an intensive substance abuse treatment program for the first three months of supervised release, as directed by the Probation Office; then, the defendant shall submit to periodic urine surveillance and/or breath, saliva and skin tests for the detection of drug abuse as directed by the probation officer. The defendant may incur costs associated with such detection efforts, based upon ability to pay as determined by the probation officer; the defendant shall participate in an assessment or a program, inpatient or outpatient, for the treatment of drug and/or alcohol addiction, dependency or abuse, as instructed and as deemed necessary by the probation officer. The defendant may incur costs associated with such drug/alcohol detection and treatment, based upon the ability to pay, as determined by the probation officer; and, the defendant shall submit his person, house, residence, vehicle(s), papers, [computers (as defined by 18 U.S.C. Section 1030(e)(1)) or other electronic communications or data storage devices of media], business or place of employment, and any other property under the defendant's control to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search in accordance with this condition may be grounds for revocation. The

defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. No fine was imposed, as the defendant is unable to pay. A $100 special monetary assessment was imposed.

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (*Check, if applicable.*)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (*Check, if applicable.*)

☐ The defendant shall participate in an approved program for domestic violence. (*Check, if applicable.*)

☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (*Check, if applicable.*)

If this judgment imposes a fine or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant must

report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall comply with the standard conditions that have been adopted by this court.

The defendant shall also comply with the additional conditions on the attached page.

See Page 4 for the "STANDARD CONDITIONS OF SUPERVISION"

STANDARD CONDITIONS OF SUPERVISION

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere

and shall permit confiscation of any contraband observed in plain view of the probation officer;

11. the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

14. the defendant shall cooperate, as directed by the probation officer, in the collection of DNA, if applicable, under the provisions of 18 U.S.C. §§ 3563(a)(9) and 3583(d) for those defendants convicted of qualifying offenses.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Page 6.

	Assessment	Fine	Restitution
TOTALS	$100.00	$.00	$.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. (or see attached) However, pursuant to 18 U.S.C. § 3644(i), all non-federal victims must be paid in full prior to the United States receiving payment.

☐ If applicable, restitution amount ordered pursuant to plea agreement $_____

☐ The defendant must pay interest on any fine or restitution of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Page 6 may be subject to penalties for default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the
☐ fine ☐ restitution

☐ the interest requirement for the
☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A ☒ Lump sum payment of $100.00 due immediately, balance due not later than _____, or

☐ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or with

B ☐ Payment to begin ☐ C, ☐ D, ☐ F immediately (may be or below); or combined with

C ☐ Payment in equal_____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal *(e.g., weekly, monthly, quarterly)* installments of $_____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☒ Special instructions regarding the payment of criminal monetary penalties:
It is ordered that the Defendant shall pay to the United States a special assessment of $100.00 for Count 1 which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States Attorney.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

- ☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	CRIMINAL NO.
	)	CR16-00090
	)	COURTROOM 5A
VS.	)	U. S. FEDERAL
	)	COURTHOUSE
	)	MOBILE,
	)	ALABAMA
TERANCE MARTEZ GAMBLE ,	)	JULY 14, 2016
	)	
DEFENDANT.	)	

CHANGE OF PLEA HEARING

BEFORE THE HONORABLE KRISTI K. DuBOSE
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

FOR THE GOVERNMENT: Michele C. O'Brien, Esq.
Assistant U.S. Attorney
U.S. Attorney's Office
63 South Royal Street,
Suite 600
Mobile, Alabama 36602

FOR DEFENDANT TERANCE MARTEZ GAMBLE:

Dumas & McPhail, LLC
By: Barre C. Dumas, Esq.
P.O. Box 870
Mobile, Alabama 36601

COURT REPORTER: Melanie Wilkins, RMR, CRR
Official Court Reporter

Proceedings reported by machine stenography
Transcript produced by computer

[July 14, 2016, 9:04 a.m. The defendant is present with counsel in open court.]

THE CLERK: We are on the record for a change of plea hearing in Criminal No. 16-90, United States of America versus Terance Gamble.

What says the Government?

MS. O'BRIEN : The United States is ready.

THE CLERK: And the defendant ?

MR. DUMAS: The defendant is here and ready.

THE COURT: Mr. Gamble —

Would you pull the microphone ?

Mr. Gamble, I need to ask you some questions to determine whether you are competent to plea and whether this is a voluntary plea. If you would raise your right hand, please.

[Defendant duly sworn.]

THE COURT: Okay. Give me your full name, please.

THE DEFENDANT: Terance Martez Gamble.

THE COURT: How old are you?

THE DEFENDANT: Twenty-seven.

THE COURT: How far did you go in school?

THE DEFENDANT: To the 11th grade.

THE COURT: Can you read, write, and understand the English language?

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THE DEFENDANT: Yes, ma'am.

THE COURT: Have you had any problems communicating with your attorney?

THE DEFENDANT: No, ma'am.

THE COURT: Did he explain the charge to you?

THE DEFENDANT: Yes, ma'am.

THE COURT: Have you ever been treated for any type of mental illness?

THE DEFENDANT: Younger.

THE COURT: Say it again.

THE DEFENDANT: Younger.

THE COURT: "Younger"?

THE DEFENDANT: Yes, ma'am.

THE COURT: When you were younger you were?

THE DEFENDANT: Yes, ma'am.

THE COURT: What type was that?

THE DEFENDANT: I was just going to counseling.

THE COURT: You went to counseling. It was for bipolar or ADD or any of those kind of things?

THE DEFENDANT: Something like that.

THE COURT: What?

THE DEFENDANT: Something like that.

THE COURT: Do you take any medication for that ?

THE DEFENDANT: No, ma'am.

THE COURT: And have you ever been treated for drug

addiction?

THE DEFENDANT: Yes, ma'am.

THE COURT: And when was that ?

THE DEFENDANT: I'm not sure of the year.

THE COURT: Okay. When you were a teenager? In your early twenties?

THE DEFENDANT: Yes, ma'am.

THE COURT: Were you incarcerated at the time?

THE DEFENDANT: Kind of. Something.

THE COURT: Something like that?

THE DEFENDANT: Yes, ma'am.

THE COURT: Do you remember where you were treated?

THE DEFENDANT: I want to say at The Bridge.

THE COURT: At The Bridge?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Are you currently under the influence of any drug , alcohol, or medication?

THE DEFENDANT: No, ma'am.

THE COURT: Okay. Mr. Dumas, have you had any problems communicating with your client ?

MR. DUMAS: I have not, Your Honor. We've met several times, and he seems to be able to communicate and understand me.

THE COURT: Okay. And did you and your attorney talk about possible defenses to this case?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. You talked about the facts, and then you talked about if you went to trial how you might defend yourself?

THE DEFENDANT: Yes, ma'am.

THE COURT: And, after doing so, are you satisfied with his advice to you that you should plead guilty?

THE DEFENDANT: Yes, ma'am.

THE COURT: And are you satisfied with his representation in general of you?

THE DEFENDANT: Yes, ma'am.

THE COURT: Now, you are pleading pursuant to a plea agreement. The plea agreement provides that in return for your guilty plea, the Government is going to recommend that you be sentenced at the low end of the guidelines. It also provides you the opportunity, if you wish, to cooperate with the Government.

Is that the way you understand it?

MR. DUMAS: Actually, it does not contain a 5K provision, Your Honor .

THE COURT: I'm sorry. You are absolutely right. It does not. It just has a recommendation of low end of the guidelines.

Is that the way you understand it?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Now, did you read that plea agreement and discuss it with your attorney before you signed it?

THE DEFENDANT: Yes, ma'am.

THE COURT: And has anybody promised you anything different than what's included in that plea agreement?

THE DEFENDANT: No, ma'am.

THE COURT: Okay. Now, the plea agreement does provide that you are waiving your right appeal the sentence that I give you. Do you understand that?

MR. DUMAS: Your Honor, he's waiving the right to appeal a sentence if appropriately ordered. However, he is reserving an issue for appeal relative to a double jeopardy claim under the Fifth Amendment that was articulated in a Motion to Dismiss the indictment, which Your Honor denied.

THE COURT: Is that part of the plea agreement?

MS. O'BRIEN : It is, Your Honor. It's on page 7, subparagraph 3.

THE COURT: Oh, here it is. Okay.

MR. DUMAS: Justice Ginsburg, in a concurring opinion, wrote a very short concurrence wherein she stated that she believed that the issue of double jeopardy for prosecutions by the federal Government —

THE COURT: Right, I'm familiar with that. In fact, I noted in here — okay. And so you are saying that he's

already pled guilty to the same firearm in a state court proceeding?

MR. DUMAS: Yes, Your Honor.

THE COURT: Okay. All right. Well, that is noted. Let me go through and read this directly to get this

correctly in the record here. Sorry about that. I had actually attached Mr. Wiggins' plea agreement to this, and that's why I'm confused. Let me get back on track here.

All right. So in your case you are reserving the right to appeal any sentence imposed in excess of the statutory maximum, which is 922(g), which is up to 10 years in prison.

MR. DUMAS: That's correct.

THE COURT: Okay. Is there a question whether the 924 (e) applies?

MS. O'BRIEN : Your Honor, it appears from the probation officer conference report that the defendant has two prior crimes of violence, but, as I understand Your Honor's policy, if it turned out that he was Armed Career Criminal eligible pursuant to 924(e), you would allow the defendant to withdraw his plea.

THE COURT: Do you understand that?

MR. DUMAS: Actually, we did not discuss that. If you'll give me one minute, I'll make it clear to him.

THE COURT: Okay.

[The defendant and counsel confer off the record.]

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THE COURT: All right. So basically what I need to explain to you are there's very limited circumstances in which you could appeal. In other words, if you come in here and I give you a sentence that's below the statutory maximum or I give you a sentence that's within the guidelines, the only reason that you can appeal is to appeal the order that was entered on June the 21st, 2016, on your Motion to Dismiss.

Do you understand that? That's pretty much the only reason you are going to be able to appeal is based on the Court's denial of your Motion to Dismiss. Do you understand?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. All right. Has anybody tried to force you to plead guilty today?

THE DEFENDANT: No, ma'am.

THE COURT: Okay. Now, you are pleading to a felony offense. You lose the right to vote, the right to hold public office, and the right to a firearm. Do you understand that?

THE DEFENDANT: Yes, ma'am.

THE COURT: There are sentencing guidelines that apply to your case. Have you gone over those with your attorney?

THE DEFENDANT: Yes, ma'am.

THE COURT: You understand those are just advisory, and I'm not required to follow them?

THE DEFENDANT: Yes, ma'am.

THE COURT: Now, you do have a right to continue in your plea of not guilty. We would have a trial. At trial, you would be presumed innocent. The Government would have to prove your guilt beyond a reasonable doubt. At trial, you would have the right to the assistance of counsel. You would have the right to cross-examine the Government's witnesses. You'd have the right to compel witnesses to attend the trial on your behalf.

You'd also have the right to choose to testify or not testify. If you chose not to testify, that fact cannot be used against you.

But do you understand by pleading guilty today, you are giving up those rights and there will not be a trial?

THE DEFENDANT: Yes, ma'am.

THE COURT: Is that what you want to do?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. If the Government would give me the elements and the facts, please.

MS. O'BRIEN : Your Honor, in order to prove the defendant guilty of a violation of Title 18 United States Code Section 922(g)(1), as charged in Count 1 of the indictment, the United States must prove that the defendant knowingly possessed a firearm in or affecting interstate commerce; and that before the defendant possessed the firearm, he had been convicted in a court of a crime punishable by imprisonment for a term in

excess of one year, that is, a felony offense.

The United States would expect the evidence to show that the defendant was previously convicted of Robbery Second Degree here in Mobile County in 2008.

Subsequent to that conviction, on November 20th, 2015, at approximately 11:00 p.m., an officer of the Mobile Police Department was on patrol in the area of Cottage Hill Road and Demopolis Road. And he observed a vehicle, a black Dodge Charger, traveling west on Cottage Hill Road, observing the defendant with a headlight out.

The officer initiated a traffic stop. Upon approaching the vehicle, the officer noticed the strong odor of marijuana emanating from the vehicle. When asked about the odor, the defendant said he had just dropped off a friend, but, otherwise, there were no illegal drugs in the vehicle.

The officer removed the defendant from the vehicle and performed a pat-down search and a search of the driver's area.

The odor of marijuana was stronger around the steering column, and the officer discovered a void in that area and removed from that area a loaded firearm, a 9-millimeter handgun, described in the indictment and the factual resume, digital scales, and two baggies of marijuana. The firearm was manufactured outside the State of Alabama, and, therefore, its presence affected interstate commerce.

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THE COURT: Do you agree the Government could prove those facts against you?

THE DEFENDANT: Yes, ma'am.

THE COURT: And how do you plead?

THE DEFENDANT: Guilty.

THE COURT: It's the finding of the Court in the case of the United States versus Terance Martez Gamble that the defendant is fully competent and capable of entering an informed plea and that the defendant is aware of the nature of the charges and the consequences of the plea and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the

essential elements of the offense. The plea is accepted, and you're adjudicated guilty of Count 1.

There was one thing I did neglect to tell you. I was talking to you about the up to 10 years in prison, but there's also a $250,000 fine, 3 years supervised release, and $100 special assessment.

Do you understand those to be the penalties?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. And you reaffirm your guilty plea?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. A written presentence report will be prepared by the probation officer, and you'll be

interviewed. Your attorney may be present during that interview. They'll prepare a report.

Your sentencing date is set for October the 14th at 11: 00 o'clock. At that time you may speak on your own behalf, and you may present witnesses.

Do you have any questions?

THE DEFENDANT: No, ma'am.

MR. DUMAS: Your Honor, if I may, just in an abundance of caution, make sure my record is clear. As Ms. O'Brien was going over the factual resume, I would submit to the Court that those are the very facts to which he pled guilty at the Circuit Court of Mobile County, Alabama, and it is that conviction which, of course, contributed to his consideration of the plea here, having already pled to it in state court. And it is that conviction which we would submit and did submit in our Motion to Dismiss the Indictment raises the

issue of possible double jeopardy violations in this prosecution.

THE COURT: Okay. All right. I think the record is clear. Thank you.

All right. Anything else?

MS. O'BRIEN : No, ma'am.

THE COURT: All right. Thank you.

MR. DUMAS: Thank you, Judge.

[Recess.]

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UNITED STATES OF AMERICA
VS.
TERANCE MARTEZ GAMBLE
CASE NO. CR16-000 90

I, Melanie Wilkins, do hereby certify that the above and foregoing transcript of proceedings in the matter aforementioned was taken by me in machine shorthand, and the questions and answers thereto were reduced to writing under my personal supervision using computer-aided transcription, and that the foregoing represents a true and correct transcript of the proceedings upon said hearing.

I further certify that I am neither counsel nor related to the parties to the action, nor am I in anywise interested in the result of said cause.

Pages 1 to 13.

Dated: November 09, 2016

/s/ Melanie Wilkins

Melanie Wilkins
Registered Merit Reporter
Certified Realtime Reporter
Official Court Reporter
United States District Court
Southern District of Alabama
113 St. Joseph Street
Mobile, Alabama 36602
(251) 690-33 71